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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,010	02/16/2001	James McCoy	A0647-991100	4071

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EXAMINER

GREENE, DANIEL L

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/785,010	Applicant(s) MCCOY ET AL.	
	Examiner Daniel L. Greene	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) 1-21, 23 and 39-76 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22 and 24-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, see REMARKS/ARGUMENTS, filed 12/2/2005, with respect to the rejection(s) of claim(s) 22-38 under Saylor et al., U. S. Patent 6,888,929 B1 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of obviousness. (See following action).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation " having characterized network resources including ..." is vague and indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22, 24-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saylor et al, U.S. Patent No. 6,888,929 B1.

As per Claims 22 and 27, Saylor et al disclose a distributed system for publishing and retrieving content in a network, comprising:

- a plurality of computer systems connected together in a peer-to-peer fashion and having characterized network resources, wherein the network resources can be contributed to the network by one or more contributing computer systems in return for a predetermined amount of credits, wherein the credits are accumulated by the contributing computer systems contributing network resources to the network, and wherein the contributing computer systems can exchange the credits with other contributing computer systems for performing peer-to-peer interactions across the network using the network resources (Figures 1-2, 14B and 15; Col. 4, lines 50-55; Col. 5, lines 57-67; Col. 6, lines 8-22; Col. 6 line 60-Col. 7 line 10; Col. 7, lines 33-36; Col. 9, lines 23-28; Col. 11, lines 58-65; Col. 34, lines 17-37; Col. 35 line 19-Col. 36 line 9); and
- one or more agent applications distributed across the network and associated with the computer systems for allowing the computer systems to publish content to and retrieve content from the network by initiating the peer-to-peer interactions across the network between the agent applications (Col. 5, lines 57-67; Col. 6 line 60-Col. 7 line 10; Col. 9, lines 23-28; Col. 14, lines 25-41; Col. 20, lines 10-21).

Saylor et al. discloses the claimed invention, as discussed above, except for the step of including any of disk space, bandwidth, and CPU cycles for performing peer-to-

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peer interactions across the network. It would have been an obvious to one of ordinary skill in the art at the time of the invention was made to modify the teachings of Saylor et al., to provide the step of including any of disk space, bandwidth, and CPU cycles for performing peer-to-peer interactions across the network. Saylor et al. discloses the concept of using the World Wide Web via personal digital assistants (Col. 1, lines 50-55), VPage creation module that provides user interface ... over the Internet (Col. 4, lines 50-55), and, "User **14** may utilize any type and combination of equipment that enables input ... , including telephones, wireless phones, personal digital assistants and other devices, ... Communications network **16** may comprise a LAN, WAN, telephone network, a wireless phone network, a digital network, a cable network, a satellite network, a PCS network, the Internet, or other networks or combinations of networks that enable communications between users..." Col. 14, lines 10-25. Since the applicant has not disclosed that including any of disk space, bandwidth, and CPU cycles for performing peer-to-peer interactions across the network solves any stated problem in a new or unexpected way or is for any particular purpose which is unobvious to one of ordinary skill and it appears that the claimed feature does not distinguish the invention over similar features in the prior art since, the teachings of Saylor et al. will perform the invention as claimed by the applicant with any means, method, or product to including any of disk space, bandwidth, and CPU cycles for performing peer-to-peer interactions across the network

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As per Claim 24, Saylor et al further disclose wherein each interaction across the network involves a transaction cost (Col. 5, lines 57-67; Col. 6, lines 8-22; Col. 6 line 60-Col. 7 line 10; Col. 7, lines 33-36; Col. 9, lines 23-28; Col. 11, lines 58-65; Col. 34, lines 17-37; Col. 35 line 19-Col. 36 line 9).

As per Claim 25, Saylor et al further disclose a credit server for maintaining a database of previously used credits and for authorizing a valid credit transaction between interacting agent applications within the network (Col. 11, lines 58-65; Col. 14, lines 30-42).

As per Claims 26 and 30-32, Saylor et al further disclose wherein the agent applications comprise one or more client agent applications for enabling the computing systems access and interact with the agent applications in the network (Figure 1), one or more broker agent applications for performing brokering transactions between the agent applications in the network (Figure 1, VNAP; Col. 5, lines 57-67; Col. 7, lines 5-10), one or more tracker agent applications for providing a listing of available resources within the network (Figure 1, VNAP DB; Col. 12, lines 19-45; Col. 14, lines 21-33), one or more reputation agent applications for tracking the reputations of the computer systems in the network (Col. 11, lines 5-13; Col. 14, lines 34-41), and one or more payment agent applications for validating credit transactions within the network (Col. 15 line 58-Col. 16 line 9; Col. 16, lines 30-56).

As per Claims 28-29 and 33-37, Saylor et al further disclose wherein the one or more tracker agent applications include one or more metatracker agent applications for maintaining the network location of the one or more active broker agent applications and a listing of the associated resources that those active broker agent applications broker within the network (Figures 2-3; Col. 3, lines 55-61; Col. 11, lines 62-67; Col. 14, lines 25-30 and 48-55), one or more content tracker agent applications for storing dinodes to locate data blocks constituting a published data file on the network (Col. 5, lines 20-25; Col. 10, lines 50-60; Col. 14, lines 25-30; Col. 14, lines 48-60), and one or more publication tracker agent applications for recording storage locations on particular computing systems where the data blocks are stored (Col. 5, lines 20-25; Col. 10, lines 50-60; Col. 14, lines 48-60).

As per Claim 38, Saylor et al further disclose wherein the system uses a protocol for transmitting messages between the agents, the protocol including a transport layer for moving secure data between the agents, an encryption and authentication layer for encrypting and decrypting the data, a conversation layer for associating initiating messages with their responding messages counterparts, and a transaction layer for enabling the interactions between the agents in the network (Col. 8, lines 18-58; Col. 10, lines 10-18; Col. 11, lines 24-47; Col. 17, lines 15-39; Col. 20, lines 34-58; Col. 29 line 60-Col. 30 line 5).

Conclusion

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5. Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

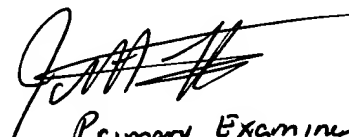
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 571-272-6707. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel L. Greene
Examiner
Art Unit 3621

December 19, 2005


Primary Examiner
Art Unit 3621